



## City of Seattle

Gregory J. Nickels, Mayor

### Department of Design, Construction and Land Use

Diane M. Sugimura, Director

## CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE

**Application Number:** 2301946

**Applicant Name:** George Blomberg for the Port of Seattle

**Address of Proposal:** 6020 West Marginal Way SW

### **SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development Permit to replace 36 creosote-treated piling with 12 untreated wood piling and 18 steel piling, removal of 6,700 sf of the existing concrete pier deck surface and 34 underlying pilings—to accommodate the installation of two adjustable loading ramps totaling 4,660 sf—resulting in a reduction of 2,040 square feet of overwater coverage<sup>1</sup>. (See Proposed Project below for details). A Determination of Non-Significance was prepared by the Port of Seattle.

Seattle Municipal Code (SMC) requires the following approvals:

**Shoreline Substantial Development Permit** - To allow development in an existing cargo terminal in an Urban Industrial (UI) shoreline environment. (SMC 23.60.020 and 23.60.840 B)

**SEPA** - For conditioning only. (Chapter 25.05 Seattle Municipal Code)

**SEPA DETERMINATION:** ☐ Exempt ☒ DNS<sup>2</sup> ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

<sup>1</sup> The scope of the proposed project was reduced on October 6, 2003. The Summary of Proposed Action above has been revised from the Public Notice given on June 5, 2003.

<sup>2</sup> The Port of Seattle has acted as lead agency and issued its SEPA threshold determination on April 29, 2003.

## **BACKGROUND DATA**

### Site Location and Current Use of the Property

The Terminal 115 project site is located on the west shoreline of the Duwamish Waterway, between river mile 2.1 and 2.4. It includes approximately 98 acres of marine cargo handling facilities with existing shoreline facilities extending 2,050 linear feet along the bank and creating approximately 3.2 acres of over-water pier structures (see figure 2 and Photograph 2, Terminal 115 Barge Cargo Area Improvements, Biological Evaluation, Grette Associates LLC, Environmental Consultants, August 26, 2003.)

Terminal 115 is composed of three main service areas, which include: 1) a concrete pier used to serve ship and barge cargoes; 2) finger pier area within the mid-section designed for barge cargo transshipment; and 3) T-dock are used for transferring seafood products.

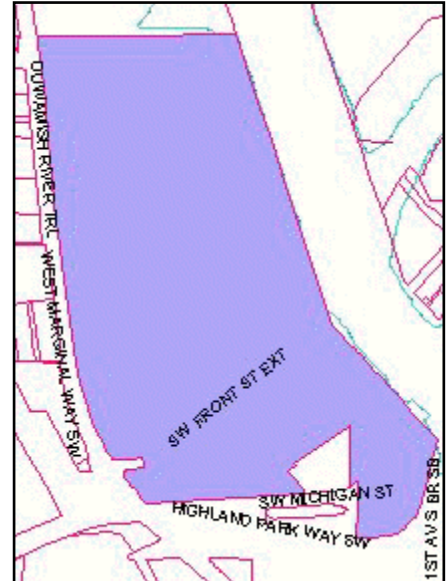
Terminal 115 is one of six principal marine cargo facilities container cargo terminals located in industrial shoreline area in south Elliott Bay. Please refer the Marine Terminal facility map attached to SEPA Environmental Checklist within the Master Use Permit (MUP) file identifying the Terminal 115 site and adjacent Port of Seattle marine facilities, in relation to adjacent arterial streets and urban features.

The property is within an Urban Industrial (UI) shoreline environment and an underlying General Industrial 1 (IG1) zone with an 85-ft height limit (IG1 U/85' UI).

Note that the Duwamish Waterway comprises the downstream extent of the Green-Duwamish river watershed (WRIA 9). Terminal 115 is located in the northeast quadrant of Section 30, Township 24 North, Range 4 East, King County, Washington. The street address is 6020-6730 West Marginal Way Southwest, Seattle, Washington 98106. Alaskan Way South.

### Proposed Project

The Port purposes to remove and replace approximately 12 damaged creosote-treated fender piling currently protecting the concrete pier and 18 damaged creosote-treated fender piling that protect the finger piers (see sheets 2, 5 and 6, *ibid*). These 30 piling will be extracted using a vibratory pile driving device. Clean sand will be used to cover each area from which piling are extracted, creating a protective cap approximately 6 inches deep and 5 feet in diameter; each cap will require the placement of approximately 0.36 cubic yards (cy) of clean sand per extracted piling. The total sand cap volume for this portion of the project is approximately 12 cy. Note that all capping material will be placed at elevations deeper than 15 feet below mean lower low water (MLLW).



Each of the 12 creosote-treated fender extracted from the concrete pier will be replaced at the same locations with an untreated wood fender piling. These 12 untreated wood piling will have an approximate 14-inch top diameter and an approximate 10-inch bottom (tip) diameter, and will be inserted using an impact pile driving device.

The 18 creosote-treated fender piling protecting the three finger piers (6 piling per pier) will be replaced at the same location with steel fender piling that are protected with high-density plastic outer covers. These 18 steel piling will measure 14-inches in diameter and will be inserted with a vibratory pile driving device.

Two new adjustable loading ramps are also proposed as an improvement to the existing barge-loading facilities at Terminal 115 (see sheets 2 and 3, *ibid*). These steel ramps will be approximately 22 feet wide and 106 feet long and fitted within the perimeter of the existing concrete pier (see sheets 2 and 4, *ibid*). Two notches measuring 32 feet wide by 106 feet long will be cut into the existing concrete pier's deck surface to accommodate the new ramps. Up to 17 existing structural concrete piling (13 vertical [or plumb] and 4 batter piling) exposed by each notch will be removed, along with 3 creosote-treated fender piling at the waterward margin of each notch. The 34 total structural concrete piling (17 per notch) will be cut and removed at the level of the existing riprap slope.

The 6 total creosote-treated fender piling (3 per notch) will be extracted and a clean sand cap will be placed over the site of extraction per the specification above. The total estimated sand cap volume for this portion of the project is approximately 2.5 cy.

Additional concrete vertical and batter piling will be installed on the landward edge of the concrete pier to ensure that the existing bulkhead and concrete beam are strong enough to support the landward end of the barge-loading ramps. Within each of the two notches, 7 vertical concrete piling (14 total) will be installed landward of the existing bulkhead and 3 batter piling (6 total) will be installed waterward of the bulkhead. These 6 batter piling will enter the existing under-deck riprap slope between 10.0 and 11.3 feet below MLLW.

Approximately 6,700 square feet (sf) of concrete pier will be removed for placement of the new barge-loading ramps. Each loading ramp will consist of a 2,330-sf surface, hinged at the landward edge (the bulkhead) of the concrete pier so that the ramp height can be adjusted using an above-water support system. The total area resulting from the installation of two barge-loading ramps will be 4,660 sf; this is a reduction in the total area of overwater coverage at the concrete pier of approximately 2,040 sf.

In-water work will therefore be limited to removal of piling and the replacement of some of those piling. Approximately 36 creosote-treated timber fender piling will be removed: 12 will be replaced with untreated wood piling; 18 will be replaced with steel piling; and 6 will be removed and not replaced to accommodate the new barge-loading ramps. Approximately 34 structural concrete piling will be removed to make space for the new ramps; none of these will be replaced. Six (6) new concrete batter piling will be installed in-water to support the new ramps; however they will be driven at the top of the bankline, above +10 feet MLLW. No alteration of the

existing bankline is proposed, nor will there be any dredging or fill other than the placement of the clean sand cap material in the subtidal zone.

### Public Comments

Public notice of the project application was published on June 5, 2003. The required public comment period ended on July 4, 2003. DCLU received no comments on this proposal.

### ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

- A. *The policies and procedures of Chapter 90.58 RCW;*
- B. *The regulations of this Chapter; and*
- C. *The provisions of Chapter 173-27 WAC*

*Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.*

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy seeks to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. The proposed improvements to Terminal 115 would not adversely impact the state-wide interest of protecting the resources and ecology of the shoreline, and the improvements would provide for the continued operation of a facility that is dependent upon its location in a shoreline of the state. The subject application is consistent with the procedures outlined in RCW 90.58.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on ensuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60, that also incorporates the provisions of Chapter 173-27, WAC. Title 23 of the Municipal Code is also referred to as the Land Use and Zoning Code. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as

public notice and appeal requirements, and penalties for violating its provisions which have also been set forth in the Land Use Code.

In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the relevant criteria set forth in the Land Use Code. The Shoreline Goals and Policies, part of the Seattle Comprehensive Plan, and the purpose and locational criteria for each shoreline environment must be considered. A proposal must be consistent with the general development standards of section 23.60.152, the specific standards of the shoreline environment and underlying zoning designation, any applicable special approval criteria, and the development standards for specific uses.

The proposed development actions occur on land classified as a waterfront lot (SMC 23.60.924) which is located within an Urban Industrial (UI) shoreline environment. The proposed improvements are associated with a water-dependent or water-related cargo terminal and as such are a permitted use in the UI shoreline environment and the underlying IG1 85' zone.

### **Shoreline Policies**

All discretionary decisions in the shoreline district require consideration of the Shoreline Goals and Policies, which are part of the Seattle Comprehensive Plan's Land Use Element, and consideration of the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220. The policies support the retention and expansion of existing water-dependent businesses, and planning for the creation of new developments in areas now dedicated to such use (please refer to Land Use Policies L339 and L342). An area objective for the Duwamish Waterway is to preserve the statewide interest and port uses in this area where such uses are already concentrated while also protecting migratory fish routes (please refer to Area Objectives for Shorelines of Statewide Significance, Policy L354 1d). The purpose of the Urban Industrial (UI) environment as set forth in Section 23.60.220 C11 is to provide for efficient use of industrial shorelines by major cargo facilities and other water-dependent and water-related industrial uses such as this facility at Terminal 115.

The proposed improvements to Terminal 115 would facilitate the continued and enhanced operation of a water-dependent or water-related cargo handling facility, a use supported by both the purpose of the UI shoreline environment and the policies set forth in the Land Use Element of the Comprehensive Plan. The alterations to the pier deck and installation of the loading ramps surface for the will improved cargo handling efficiency and enhanced worker safety.

### **SMC 23.60.152 - Development Standards for all Environments**

These general standards apply to all uses in the shoreline environments. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses are subject to the following:

- A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as... fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.
- B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.
- C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels....
- D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
- E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catchbasins or settling ponds, interceptor drains and planted buffers.
- F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.
- G. All shoreline developments and uses shall control erosion during project construction and operation.
- H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.
- I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.

- J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.
- K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.
- L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.
- M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.
- N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.
- O. Navigation channels shall be kept free of hazardous or obstructing development or uses.
- P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

As proposed and as conditioned below, the project complies with the above shoreline development standards. As conditioned, the short-term construction related activities should have minimal effects on migratory fish routes and do not warrant further conditioning.

The proposal is subject to a Hydraulics Project Approval (HPA) permit from the Washington State Department of Fisheries and Wildlife.

The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality. In conjunction with this effort DCLU developed a Director's Rule 2000-16, to apply best management practices (BMPs) to prevent erosion and sedimentation from leaving construction sites or where construction will impact receiving waters. Due to the extent of the proposed work associated with the removal of the concrete pier deck and underlying pilings and the installation of the loading ramps, the potential exists for impacts to Puget Sound during construction. Therefore, approval of the substantial development permit will be conditioned to require application of construction best management practices

(BMPs). Completion of the attachment to the Director's Rule and adherence to the measures outlined in the attachment shall constitute compliance with BMP measures.

### **SMC 23.60.600 – Development standards for the US Environment**

The proposal conforms to all of the development standards for the UI environment.

### **Conclusion**

SMC Section 23.60.064 E provides authority for conditioning of shoreline substantial development permits as necessary to carry out the spirit and purpose of and assure compliance with the Seattle Shoreline Code, Chapter 23.60, and with RCW 90.58.020 (State policy and legislative findings).

WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter 23.60 is also consistency with WAC 173-27 and RCW 90.58.

Thus, as conditioned below, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

### **DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT**

The Shoreline Substantial Development permit is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this report.

### **ANALYSIS - SEPA (for conditions only)**

The applicant submitted an environmental checklist dated April 25, 2003 and threshold determination for this project dated April 29, 2003. The information in the checklist, construction plans, information submitted by the applicant and the experience of the Department with the review of similar projects form the basis for this analysis and decision.

Construction activities could result in the following adverse impacts: emissions from construction machinery and vehicles; increased dust levels associated with grading and demolition activities; increased noise levels; occasional disruption of adjacent vehicular traffic, and small increase in traffic and parking impacts due to construction workers' vehicles. All of these impacts are minor in scope and of short duration. Several construction-related impacts are mitigated by existing City codes and ordinances (such as the Stormwater, Grading and Drainage



Control code and Street Use ordinance, and mitigating measures described above pursuant to the Shoreline Master Program) applicable to the project. Since the proposal site is located in a commercial area, noise impacts would be sufficiently mitigated by the Noise Ordinance and no other measures or conditions are warranted.

DCLU's Building Plans Examiner and Geotechnical Engineer—will review the construction plans for stability and soils considerations and may require additional soils-related information, make recommendations; require declarations, covenants, and bonds as necessary in accordance with Director's Rule 3-94 prior to issuance of the Master Use Permit. Assuming successful implementation of stabilization measures approved by the DCLU geotechnical review, the project will not significantly increase the risk of land instability and no mitigation is warranted.

### **CONDITIONS - SHORELINE**

#### *Prior to Issuance of the Building Permit*

1. Submit a completed drainage control plan that complies with SMC 22.802.020 B2d and Director's Rule 2000-16, (Category 2) BMPs for Construction Erosion and Sedimentation Control Plans. Adherence to the measures outlined in the attachment shall mitigate erosion and sedimentation impacts to Puget Sound.

#### *During Construction*

2. The owner(s) and/or responsible party(ies) shall take care to prevent debris from entering the water during construction and to remove debris promptly if it does enter the water. Materials and construction methods shall be used which prevent toxic materials, petrochemicals and other pollutants from entering surface water during and after construction. Appropriate equipment and material for hazardous material cleanup must be kept at the site.
3. Pilings extracted or installed shall receive a clean sand cap at their substrate location.
4. All disposed materials must be deposited in a landfill, which meets the liner and leachate standards of the Minimum Functional Standards, Chapter 173-304 WAC.

### **CONDITIONS - SEPA**

None.

Signature: (signature on file) Date: October 23, 2003  
Colin R. Vasquez, Land Use Planner  
Department of Design, Construction and Land Use